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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,839	06/25/2003	Derrick Howard Jefferson		7625
7590	05/04/2005			
Derrick Jefferson 1844 5th Avenue Apt. 5 Oakland, CA 94606			EXAMINER HUNNINGS, TRAVIS R	
			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,839

Applicant(s)

JEFFERSON, DERRICK HOWARD

Examiner

Travis R Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because they contain many references to new matter that was not in the original disclosure filed 25 June 2003, such as "wireless network", "data pool", etc. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

1. The amendment filed on 28 January 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The specification includes several references to “wireless technology” which is considered new matter because the original disclosure filed 25 June 2003 only disclosed the use of cellular telephone communications and the use of the phrase “wireless technology” can be interpreted to encompass other wireless technologies (such as Bluetooth, 802.11b, etc...) that are not disclosed in the original disclosure filed 25 June 2003;

The specification includes several references to “a data pool” that is used to “store the query responses and relevant data” and to “contain data input from other sources” which is considered new matter because original disclosure filed 25 June 2003 only discloses a “personal computer system” that is used to receive the data sent by the device and analyze the data for geographical location and heading and does not disclose “a data pool to store the query responses and relevant data”;

The specification includes several references to “a geographical zone of concern” that is marked as a particular geographical area that is monitored for potential terrorist threats which is considered new matter because the original disclosure filed 25 June 2003 only discloses a method of tracking terrorists by their GPS location, heading,

registration number and possibly other information and does not disclose any "geographical zone of concern";

The specification includes references to "having the capacity to highlight the possible meeting of such persons" (referring to possible terrorists) which is considered new matter because the original disclosure filed 25 June 2003 only discloses a method of tracking terrorists by their GPS location, heading, registration number and possibly other information and does not disclose any "capacity to highlight the possible meeting of such persons";

Applicant is required to delete the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

2. Claims 12 and 14-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 12, the claim contains several references to "a wireless network" which is considered new matter because the original disclosure filed 25 June 2003 only disclosed the use of cellular telephone communications and the use of the phrase "a wireless network" can be interpreted to encompass other wireless technologies (such as Bluetooth, 802.11b, etc...) that are not disclosed in the original disclosure filed 25 June

2003. The claim also contains the phrase "storing said multiple position coordinates gained from said queries into sources for data storage for dynamic positional structure assessment and other information in relation to said vehicle" which is considered new matter because the original disclosure filed 25 June 2003 only references a "personal computer system" that is used to receive the data sent by the device and analyze the data for geographical location and heading and does not disclose "storing said multiple position coordinates gained from said queries into sources for data storage for dynamic positional structure assessment and other information in relation to said vehicle".

Regarding claim 14, the claim contains the limitation of "indicating coordinated movement of vehicles" which is considered new matter because the original disclosure filed 25 June 2003 only disclosed a method of tracking terrorists by their GPS location, heading, registration number and possibly other information and does not disclose a way to indicate "coordinated movement of vehicles".

Regarding claim 15, the claim contains the limitation that the information data is "compiled in to a unified data pool which links mobile and based stations into one system for coordination of counter-terrorism" which is considered new matter because the original disclosure filed 25 June 2003 only discloses a "personal computer system" that is used to receive the data sent by the device and analyze the data for geographical location and heading and does not disclose "a unified data pool which links mobile and based stations into one system for coordination of counter-terrorism".

Regarding claim 16, the claim contains the limitation “for geographical location and heading data to coordinate with a system for intercepting said person or persons” and “acquiring an information profile from a data pool prior to intercepting said person or persons” which is considered new matter because the original disclosure filed 25 June 2003 only discloses the transmission of GPS location, heading, registration number and possibly other information to a personal computer system and contacting local authorities and does not disclose “coordinating that data with a system for intercepting said person or persons” or “acquiring an information profile from a data pool prior to intercepting said person or persons”.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 12-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Anthony et al. (Anthony; US Patent 6,559,769).

Regarding claim 12, Anthony discloses *Early Warning Real-Time Security System* that has the following claimed limitations:

The claimed method comprising the steps of providing a vehicle alert device capable of transmitting and receiving data, including geographical location and heading

data, via a wireless network capable of supporting a system for counter-terrorism is met by the early-warning security system being placed in an automobile for complete tracking and replaying real-time recorded video and audio over a wireless network (such as GPS satellites) in order to prevent criminal or terrorist actions (abstract, figure 2, col1 21-67, col2 1-8, 29-32, col7 62-67 and col10 10-13);

The claimed method comprising the steps of querying said vehicle emergency alert device of a vehicle multiple times over a period of time to establish multiple position coordinates to form a structure wherein said receiving and/or transmitting occurs over a wireless network is met by the early warning security system having a local control that is able to be automatically or periodically triggered to provide the GPS location and audio/video signals to a control center over a wireless network (such as a satellite network) and storing that information (col5 7-23 and col14 24-51);

The claimed method comprising the steps of storing said multiple position coordinates gained from said queries into sources for data storage for dynamic positional structure assessment and other information in relation to said vehicle is met by the control center storing the information sent by the monitoring apparatus for searching, replaying and early-warning analysis (col14 24-51);

The claimed method comprising the steps of translating said data from said vehicle emergency alert device into character or graphical formats for assessment of anomalous positional structure is met by the system providing real-time video streaming with map information being available for complete tracking and monitoring purposes that



is used for determining if a vehicle deviates from a normal driving habit or analysis for proper early-warning (col8 18-20, col10 10-13 and col14 24-51).

Regarding claim 13, Anthony discloses all of the claimed limitations. The claimed method wherein said queries originate from mobile or base station that transmits queries to and receive data from said vehicle emergency alert device for the purpose of monitoring or intercepting person or persons in relation to terrorism is met by the local control that is able to be automatically or periodically triggered to provide the GPS location and audio/video signals to a control center over a wireless network (such as a satellite network) in order to prevent criminal or terrorist actions (abstract, col1 21-67, col2 1-8 and col5 7-23).

Regarding claim 14, Anthony discloses all of the claimed limitations. The claimed method wherein assessment of anomalous positional structure includes observation of positional structural data of multiple vehicle emergency alert devices that indicate coordinated movement of vehicles is met by the system being able to monitor a plurality of automobiles and to identify any deviation from an expected pattern of behavior based on real-time information and alerting authorities in response to this trigger (col16 5-8 and 12-16).

Regarding claim 15, Anthony discloses all of the claimed limitations. The claimed method wherein storing of data for dynamic positional structure assessment

and other information is compiled in to a unified data pool which links mobile and based stations into one system for coordination of counter-terrorism is met by the plurality of vehicle based systems interacting with a plurality of data/control centers which are connected to form a database of stored GPS location and audio/video information for use in early-warning analysis for use in preventing terrorism (col1 21-67, col2 1-8 and col14 21-51).

Regarding claim 16, Anthony discloses all of the claimed limitations. The claimed method comprising the steps of acquiring geographical location and heading data of the vehicle in association with the person or persons in question by querying said vehicle emergency alert device from a based or a mobile station, for geographical location and heading data to coordinate with a system for intercepting said person or persons is met by the early warning security system having a local control that is able to be automatically or periodically triggered to provide the GPS location and audio/video signals to a control center over a wireless network (such as a satellite network) and storing that information that is used to determine if a deviation from an expected pattern has occurred and if so, alerting/dispatching authorities (col5 7-23, col14 24-51 and col16 5-16). The claimed method comprising the steps of acquiring an information profile from a data pool prior to intercepting said person or persons is met by the system searching for previously stored alert video information or other relevant video information for a particular device to be used for proper early-warning analysis (col14 24-51).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hillman et al. USP 6,522,265

Arnold, USP 6,587,790

Zeitfuss et al. USP 6,833,811

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
05/02/05